

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

---

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
DONNA ODA, L.P.N., : 93 NUR 138  
RESPONDENT. :

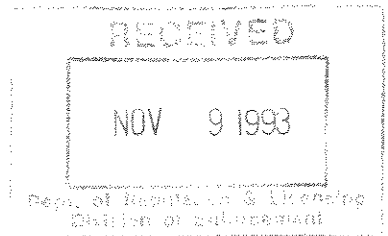
---

The parties to this action for the purposes of Wis. Stats. sec. 227.53  
are:

Donna Oda  
2467 North 59th Street  
Milwaukee, WI 53210

Wisconsin Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935



The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Donna Oda (D.O.B. 9/16/57) is duly licensed in the state of Wisconsin as a licensed practical nurse (license # 26967). This license was first granted on December 16, 1983.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 2467 North 59th Street, Milwaukee, WI 53210.
3. At all times relevant to this action Respondent was employed as a licensed practical nurse at St. Joseph's Home for the Aged, West Allis, Wisconsin, and was charged with the care of patient ES, who had suffered a CVA, resulting in right side paralysis.

4. During the morning of August 5, 1992, a technician from Damon Lab requested assistance in obtaining an ordered blood sample from patient ES to measure protime level. When the Respondent informed patient ES of the intent to obtain a blood sample, ES became combative.

5. Respondent instructed two CNA s to physically restrain patient ES, and instructed the technician to proceed to draw the blood sample.

6. The blood sample was drawn from the right arm of the patient, resulting in trauma to the antecubital region of the arm, and pain in the shoulder area.

7. There was no existing physician order or institution policy permitting the restraint of patient ES. and Respondent did not consult the patient's physician or the nursing home supervisor concerning her activities.

#### CONCLUSIONS OF LAW

By the conduct described above, Respondent is subject to disciplinary action against her license to practice as a licensed practical nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(b), (c) and (d), and Wis. Adm. Code sec. N 7.03(1) (a), (d) and (e).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The stipulation of the parties is accepted;
2. Donna Oda is REPRIMANDED for her unprofessional conduct in this matter;
3. The license of Respondent to practice as a licensed practical nurse in the state of Wisconsin is LIMITED for the period of one year from the date of this Order. During the period of limitation the Respondent shall work under the direct supervision of a registered nurse in her nursing activities. Respondent shall also complete a course of education concerning patient rights and nursing ethics, and shall provide written certification of the successful completion of the required course work to the Board of Nursing.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

This Order shall become effective upon the date of its signing.

WISCONSIN BOARD OF NURSING

By:     *Jacqueline Johnson RN MS*         *11-5-93*      
Chair Date

jwh

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

---

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
DONNA ODA, L.P.N.,	:	93 NUR 138
RESPONDENT	:	

---

It is hereby stipulated between Donna Oda, personally on her own behalf and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of her right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.


4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

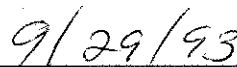
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. Attached to this Stipulation is the current licensure card of Respondent. If the Board accepts the Stipulation, Respondent's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Respondent shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.

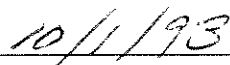
7. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

8. The Division of Enforcement joins Respondent in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Donna Oda

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
James W. Harris, Attorney  
Division of Enforcement

  
\_\_\_\_\_  
Date

jwh